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PATENT

Attorney Docket No.: 18563-000120

Assistant Commissioner for Patents

Washington, D.C. 20231, on SEPTEMBER 8, 2000

TOWNSEND and TOWNSEND and CREW LLP

By: Karen A. Hallock
Karen A. Hallock

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MUHAMMAD CHISHTI et al.

Application No.: 09/466,353

Filed: December 17, 1999

For: METHOD AND SYSTEM FOR
INCREMENTALLY MOVING
TEETH

Examiner: Unassigned

Art Unit: 3732

**DECLARATION OF BAO TRAN IN
SUPPORT OF PETITION UNDER
37 CFR §1.47(a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, **BAO TRAN**, hereby declare as follows:

1. I am Director, Legal Affairs, at Align Technology, Inc., Assignee of the entire interest in the above-referenced patent application.
2. Apostolos Leros is one of the five Inventors of the above-referenced patent application. The signatures of the other four Inventors have been obtained and are submitted on a Declaration, together with a Petition to accept that Declaration in the absence of Mr. Leros' signature. The following facts and documentary evidence demonstrate my diligence as well as lack of success in attempting to obtain the signature of Mr. Leros on the Declaration which accompanies the Petition.
3. On or about April 17, 2000, I had my assistant, Cheri Powers, contact Apostolos Leros to request assistance in executing the Declaration and Assignment for this application. She sent the request to Mr. Leros through electronic mail (email). Mr. Leros responded to the request stating that he would have his present employer's attorneys review the papers and that he would not be able to return the papers to us before at least 6 weeks. Her email to him and his response to the request are attached as Exhibit A.

4. Ms. Powers forwarded his email reply to me. After that, I had several email communications with Mr. Leros where he indicated that he would not sign the Declaration and Assignment. These email communications were subsequently lost due to a general failure in our email server that destroyed employees's email files.

5. Shortly after it became clear that Mr. Leros would not sign the Declaration and Assignment, I requested Townsend and Townsend and Crew LLP, the law firm prosecuting this application, to prepare a Petition to Accept the Declaration without Mr. Leros' signature.

6. On or around June 23, 2000, Mr. Leros sent an email requesting assistance in transferring his stock certificates to the charities of his choice. My reply to this request is attached as Exhibit B.

7. On or around July 27, I reiterated my request for his assistance in executing the Declaration and Assignment. My request and his response thereto are attached as Exhibit C.

8. On or around July 29, 2000, Mr. Leros indicated that he after reconsidering my request, he would still maintain his refusal to execute the Declaration and Assignment sent to him. My request and his response thereto are attached as Exhibit D.

9. Upon information and belief, Townsend and Townsend and Crew LLP, made at least one final effort to contact Mr. Leros to obtain his signature on the Declaration and Assignment. No signature has been obtained.

I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: _____

9/6/2000


Bao Tran

Enclosures